

State of Alaska
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATION, BUSINESS AND PROFESSIONAL LICENSING

BIG GAME COMMERCIAL SERVICES BOARD
Minutes of the meetings from Tuesday, July 30, 2019

By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board was held via videoconference on Tuesday, July 30, 2019.

These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.

Written meeting minutes reflect a brief overview of the business conducted by the board during their meeting. For a more detailed account, please request a copy of the meeting recording.

The Chair brought the meeting to order at 9:03 a,

Agenda Item - Roll Call

Board Members Present Constituting a Quorum:

Henry Tiffany-Licensed Registered Guide-*Board Chair*
Larry Van Daele-Board of Game Representative
Michelle Heun-Licensed Transporter
Jason Bunch-Registered Guide Outfitter
Cash Joyce – Licensed Transporter
Adam Trombley-Public Member-*Vice Chair*
Peter Buist – Public Member

Board Members Absent:

Nicholas Jackson- Private Land Owner-UNEXCUSED

Staff Members present:

Dawn K Hannasch-Records and Licensing Supervisor
Lee Strout-Investigator
Sara Chamber – Director
Jun Maiquis – Regulations Specialist

Members of the Public Present:

Mark Richards – Executive Director of Resident Hunters of Alaska
Lt. Aaron Frenzel – Alaska Wildlife Troopers
Thor Stacy – Director of Government Affairs with the Alaska Professional Hunters Association

The Board Chair, Henry Tiffany, welcomed new board member Peter Buist. He stated that Mr. Buist is a retired licensed Master Guide and Alaska Firefighter. Mr. Tiffany thanked Mr. Buist for being willing to serve this industry as a board member.

Review the Agenda:

The board reviewed the agenda that was approved by the Board Chair, Henry Tiffany.

Ethics:

There were no ethics situations to discuss.

New Business:

- Non-resident licensees – Cassell lawsuit

Board member, Jason Bunch reviewed the resident licensees vs. non-resident licensees statistics as provided by staff:

The total number of license types in Alaska:

- a. RGO/MGO – 514
- b. Class A & Assistant – 861
- c. Transporter – 116

Total – 1491

The total number of **resident licenses** in Alaska:

- a. RGO/MGO – 443
- b. Class A & Assistant – 537
- c. Transporter – 109

Total – 1089

Mr. Bunch went on to summarize the lawsuit. Board member, Adam Trombley clarified that the lawsuit is asking for 90% of all brown bear permits on Kodiak, go to residents, and only 10% would go to non-residents. As opposed to the current 60 – 40 split. Board member, Larry Van Daele stated that this lawsuit could lead to the courts ruling that the Board of Game (BOG) must make similar changes all over the state. He also commented on the BOG's opinion that these types of rulings challenge the BOG's authority to manage the natural resources in Alaska. If the lawsuit is successful, it may lead to the loss of licenses and the dissolution of the BGCS board.

Mr. Tiffany requested that Mr. Van Daele provide current and relevant information to staff to disseminate to the board as events unfold. The board requested that Board Chair Tiffany write a letter of support the BOG. Once completed, Mr. Tiffany will pass along to the staff to send to the BOG.

Break 9:50 – 9:57

Regulations:

- Regulations Project

Hearing nothing further, Mr. Tiffany moved the board's attention to the written public comments in the board's packet regarding the purposed regulations changes sent out in June. Mr. Tiffany read every letter and email onto the record, and each was discussed at length by the board.

1. **12 AAC 75.230. Guide use area registration** is proposed to be changed to alter the requirements for guide use area registration.

2. **12 AAC 75.260. Registered guide-outfitter contract requirements** is proposed to be changed to alter the contract requirements for registered guide-outfitters.

3. **12 AAC 75.400. Transporter activity report** is proposed to be amended to clarify the transporter activity report filing requirements.

4. **12 AAC 75.450. Transporter contract requirements** is proposed to be amended to clarify the transporter contracting requirements.

5. **12 AAC 75.920. Hunting, guiding, and practical experience**, is proposed to be changed to alter the provisions related to hunting experience requirements.

In a motion duly made by Jason Bunch, seconded by Adam Trombley with a roll call vote, it was resolved to approve the draft of 12 AAC 75.230(a) and pass it back to the regulations specialist for the next step in the approval process.

Cash Joyce – Yes

Michelle Huen – Yes

Larry Van Daele – Yes

Jason Bunch – Yes

Adam Trombley – Yes

Peter Buist – Yes

Henry Tiffany – Yes

In a motion duly made by Jason Bunch, seconded by Adam Trombley with unanimous consent, it was resolved to table the discussion on 12 AAC 75.260 until the December 2019 meeting.

In a motion duly made by Jason Bunch, seconded by Adam Trombley with a roll call vote, it was resolved to approve the draft of 12 AAC 75.400(e) with the amendment of removing the word “fillings” and replacing it with “completed” and pass it back to the regulations specialist for the next step in the approval process.

Cash Joyce – Yes

Michelle Huen – Yes

Larry Van Daele – Yes

Jason Bunch – Yes

Adam Trombley – Yes

Peter Buist – Yes

Henry Tiffany – Yes

In a motion duly made by Jason Bunch, seconded by Adam Trombley with unanimous consent, it was resolved to table the discussion on 12 AAC 75.400(d) until the December 2019 meeting.

In a motion duly made by Jason Bunch, seconded by Adam Trombley with unanimous consent, it was resolved to table the discussion on 12 AAC 75.450(d) until the December 2019 meeting.

In a motion duly made by Jason Bunch, seconded by Adam Trombley with a roll call vote, it was resolved to approve the draft of 12 AAC 75.920(b) and pass it back to the regulations specialist for the next step in the approval process.

Cash Joyce – Yes

Michelle Huen – Yes

Larry Van Daele – Yes

Jason Bunch – Yes

Adam Trombley – Yes

Peter Buist – Yes

Henry Tiffany – Yes

In a motion duly made by Jason Bunch, seconded by Adam Trombley with a roll call vote, it was resolved to approve the draft of 12 AAC 75.920(e) and pass it back to the regulations specialist for the next step in the approval process.

Cash Joyce – Yes

Michelle Huen – Yes

Larry Van Daele – Yes

Jason Bunch – Yes

Adam Trombley – No

Peter Buist – No

Henry Tiffany – Yes

In a motion duly made by Jason Bunch, seconded by Adam Trombley with a roll call vote, it was resolved to approve the draft of 12 AAC 75.920(c) and pass it back to the regulations specialist for the next step in the approval process.

Cash Joyce – Yes

Michelle Huen – Yes

Larry Van Daele – Yes

Jason Bunch – Yes

Adam Trombley – Yes

Peter Buist – Yes

Henry Tiffany – Yes

In a motion duly made by Jason Bunch, seconded by Adam Trombley with a roll call vote, it was resolved to approve the draft of 12 AAC 75.920(d)(4) and pass it back to the regulations specialist for the next step in the approval process.

Cash Joyce – Yes

Michelle Huen – Yes

Larry Van Daele – Yes

Jason Bunch – Yes

Adam Trombley – Yes

Peter Buist – Yes

Henry Tiffany – Yes

Mr. Tiffany thanked Regulations Specialist Jun Miaquis for being present with the board through this process. The board believes that having Mr. Maiquis present for these projects, allows the board to work more efficiently.

- Proposal

Megan Pineur submitted the proposal of a regulation change to the board for consideration. The board will table this discussion until the December meeting.

- Senate Bill 43 update

There has been no news provided by the Governor's office.

Old Business:

It was decided by the board that the discussion regarding felons and firearms will need to be tabled until the December 2019 meeting.

Public Comments:

- Mark Richards – Executive Director of Alaska Resident Hunters with over 2000 members statewide. Mr. Richards welcomed and thanked new board member Peter Buist for his service on the board. Regarding the “Cassell” lawsuit, Mr. Richards stated that “for too long, the BOG has not listened to resident hunters and has not been willing to compromise at all on allocations decisions that many believe are unconstitutional. I have not spoken to a single non-resident hunter that believes that the Kodiak allocation is fair to residents even though they are more than happy to take advantage of it.” Mr. Richards also reminded the board that the Governor vetoed the federal receipt authority to fund the concession program. He encouraged the board to use their authority to make the same changes for units 20-A and 19-C as they did in unit 9. Mr. Richards stated that he would like the board to consider having a meeting in Fairbanks once again; that it is unfair to “disenfranchise the rest of the state” due to the board's operating budget. He concluded by thanking the board for their service.
- Thor Stacey – Director of Government Affairs, Alaska Professional Hunters Association
Mr. Stacey informed the board that at the conclusion and finalizing of Senate Bill 43, the board will have been extended for a period of five years. He went on to encourage the board to read

through the Cassell lawsuit thoroughly. The APHA's position is that the information is a secondary and narrow argument. They question the chain of benefits if the BOG gives benefits to non-residents. The APHA plans to file a motion to intervene on behalf of the BOG. Mr. Stacey notified the board that the Department of Interior plans to continue to work on the concession program here in Alaska.

Regulatory Reform:

Director Sara Chambers joined the meeting to present Right Touch Regulation review to the board. The purpose is to assist boards with rethinking regulation, risk, and responsibility in state government. The board has already, at its January 2019 meeting completely reviewed all of its statutes and regulations for any excess or barriers that are undue. The board agreed to use many of the standards for future regulations projects.

Investigations:

Investigator Lee Strout was in attendance but had nothing new to report. Mr. Tiffany drew the boards attention to the one application that required their review.

- Application Review

The board thoroughly reviewed the assistant guide application as presented by staff. Staff offered to place the file into the boards secure portal for voting; to which the board agreed.

Believing that the boards business had been concluded, Mr. Tiffany suggested that the meeting be adjourned. Hearing no objections, Mr. Tiffany adjourned the meeting at 1:46.

Respectfully Submitted,

Dawn K Hannasch
Records and Licensing Supervisor

Date

Henry D. Tiffany, IV
Board Chair

Date